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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,551	07/29/2003	Andrea Marsella	CARP-0107	7472

23377 7590 12/02/2005  
WOODCOCK WASHBURN LLP  
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PHILADELPHIA, PA 19103

EXAMINER
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NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,551

Applicant(s)

MARSELLA ET AL.

Examiner

Cam N. Nguyen

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1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 01, 2005 (amendment/response).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on originally filed is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/22/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### **Response to Election/Restriction**

1. Applicant's election of Group II, claims 25-36, in the reply filed on September 01, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election **without traverse** (MPEP § 818.03(a)).

### **Response to Amendment**

2. Applicants' amendment and remarks, filed September 01, 2005, has been made of record and entered. Claims 1-36 have been canceled. Claims 37-70 have been amended.

Claims 37-70 are currently pending and under consideration.

### **Claim Objections**

3. Claims 64-66 are objected to because of the following informalities:

A. In claim 64, "the alkali metal is lithium, potassium or cesium or a combination thereof" should be changed to --the alkali metal is lithium, potassium, cesium, or combinations thereof--.

B. In claim 65, line 1, "alkali earth metal" should be --alkaline earth metal--.

C. In claim 66, "the lanthanide is cerium or lanthanum or a combination thereof" should be changed to --the lanthanide is cerium, lanthanum or combination thereof--.

Appropriate correction is required.

**Claim Rejections - 35 USC § 112 (Second Paragraph)**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 60-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 60 & 61, the proper Markush terminology is --selected from a group consisting of ... --.

**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 37-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmello et al., "hereinafter Carmello", (US Pat. 5,841,009) in view of Shiozaki et al., "hereinafter Shiozaki", (US Pat. 4,366,093).

Carmello discloses a method for the oxychlorination of ethylene to produce 1,2-dichloroethane (EDC), comprising reacting ethylene, a chlorine source and an oxygen source in a fixed-bed oxychlorination reactor in the presence of a catalyst, characterized in that a twin reactor is used and the catalyst is a cupric chloride catalyst, etc. (see col. 6, claim 1). The catalyst also comprises promoters such as the chlorides of potassium,

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magnesium, cesium, lithium, sodium, calcium and cerium (see col. 6, claim 5).

Carmello further discloses that the catalysts are supported catalysts with cupric chloride as the active component and alumina, silica gel or aluminosilicates as supports. The support material may be in the form of the spheres, cubes, cones, hollow cylinders, cylindrical pellets, multibobate pellets and the like (see col. 2, ln 50-55). The copper content of the catalyst varies (see col. 2, ln 57-63). Examples 4 & 5 of the reference showing cu content in the amount of 6.5 wt.%.

The difference between the claimed method and that disclosed by Carmello is that Carmello does not disclose the shape and size of his catalyst as being claimed.

It would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have compression tableting and extrusion molding the catalyst of Carmello to desired shapes and sizes because it is known in the art to do so, as evidenced by Shiozaki (see Shiozaki at col. 1, ln 60- col. 3, ln 12).

#### **Citations**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared attached.

#### **Conclusion**

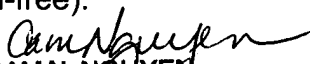
9. Claims 37-70 are pending. Claims 37-70 are rejected. No claims are allowed.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CAM N. NGUYEN  
PRIMARY EXAMINER

Nguyen/cnn   
November 27, 2005

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